

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT  
219 South Dearborn Street  
Chicago, Illinois 60604

June 29, 2021

Chief Judge Diane S. Sykes

No. 07-21-90030

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presided over a lawsuit in which the complainant was a party. The allegations relate to the judge's handling of a dispute between the complainant and her retained attorney. Specially, the complainant alleges that the attorney did not file an appearance in court and yet submitted pleadings on her behalf. She claims that the judge erroneously accepted those pleadings, condescended to her in a court hearing, and wrongly directed her to confer with the attorney regarding attorney-client disputes.

As a threshold matter, to the extent that the complainant challenges the existence of an attorney-client relationship during the relevant time period, she admits that she retained the attorney in July 2019, before the events described in the complaint. And the docket reveals that the attorney filed documents on complainant's behalf in 2019 and 2020 and first moved to withdraw as late as October 2020. By all appearances, the attorney in fact represented the complainant—indeed, the judge so found in dismissing claimant's motion for leave to appear pro se. Any complaint about that ruling is merits related and not cognizable judicial misconduct. *See* 28 U.S.C. § 352(b)(1)(A)(ii); R. FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. 4(b)(1).

The allegations about condescending treatment are both unsupported and insufficient to suggest misconduct. The complainant contends that the judge asked about her employment (a store clerk) and then said that a store clerk cannot adequately represent herself in federal litigation. This lone remark—if it occurred—does not support a finding of “demonstrably egregious and hostile” conduct. *See* 28 U.S.C. § 352(b)(1)(A)(iii); JUD.-CONDUCT PROC. R. 4(a)(2)(B).

The complaint is dismissed pursuant to § 352(b)(1)(A)(ii) and (iii).